IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 702 of 2007()

LP.30/2006 of J.M.F.C.,PARAPPANANGADI

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: PETITIONERS/ACCUSED:

VAKEERI MOIDEENKUTTY,
S/O. LATE MAMMAD HAJI, CHELIKOT HOUSE,
CALICUT UNIVERSITY (P.O), MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
TENHIPALAM POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 702 OF 2007

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DATED THIS THE 7th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the first accused in Crime No.302/99 of Thenhipalam Police Station for an offence punishable under section 498A IPC, seek anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.588/04 on the file of J.F.C.M., Parappanangadi, the case against him was split up and transferred to the long pending register where it has been registered as L.P.C.No.30/06. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance and also after examining his contention that the co-accused in the case have already been acquitted after trial.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn